1909-05 Southampton County Chancery - Barden, C.L. vs Hill, H.L. etal

Creditors suit

Myrick, Wm. E.

To the Honorable C. W. Hill Judge of the Circuit Court of Southampton Co

Your orator C.L. Barden of the said Co of Southampton humbly complaining showeth unto Your Honor

That some time in the year 1878 W. J. Harrell then a resident of the Co aforesaid executed a note to S.B. Drury also of the same Co for the sum of $500.00 & secured the same by a deed of trust on certain property situated, lying & being in the town of Boykins in the Co aforesaid, which deed of trust was duly recorded in the clerks office of the aforesaid Co of Southampton an office copy of which is herewith filed as part of this bill, marked exhibit A.

This note secured as aforesaid was afterwards, to wit some time in the year transfered to H.L. Hill of the Co aforesaid, The aforesaid property mentioned in the deed of trust was afterwards to wit some time in the year 1880 bought by your orator but subject to this deed of trust at that time held by Hill. Thereupon your orator immediately went to the said Hill in order to arrange about paying the aforesaid note

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Bill & Exhibits.

& rain said and from the property.
It was thereupon agreed by your orator & the said Hill that he the said Hill should hold the said note with the security aforesaid & allow your orator who at that time was carrying on a business in the aforesaid town of Bayliss, to pay said note in such supplies & articles from time to time and & purchase. It was also agreed that your orator should furnish the said Hill with supplies of land & other articles in payment of said note as the said Hill should from time to time require. It was also agreed that any indebtedness whatsoever by the said Hill to your orator should be placed as credits upon said note until the whole should be paid. It was furthermore agreed between your orator & the said Hill that he the said Hill should hold the said note & not deposit it with any one for any purpose whatsoever without the full knowledge & consent of your orator, which contract your orator has faithfully kept & performed & has furnished supplies, land & other articles to the said Hill to a very great amt. The said Hill furthermore became

indebted to your orator in pursuance of a certain Road matter, which sums amounting in all to $529.88 an act of which is herewith filed as a part of this bill marked exhibit B. were directed by your orator. & should have been credited upon the said note secured as aforesaid.

Your orator aforesaid sent sometime in the beginning of the year 1884 sent to the said Hill in order to ascertain the balance due upon the said note, fully intending then & there to pay it & raise the said deed from the trustee aforesaid. It was then learned by your orator from the said Hill that the note was not in his the said Hill's possession but had some time before then been deposited with Wm. E. Mynick of the same Co as collateral to secure money borrowed from Mynick by Hill. & very much to his surprise your orator also learned that the aforesaid credits had not been placed upon it. Your orator thereupon demanded that the said Hill should recall the said note from Mynicks possession & place upon it then credits as shown in exhibit. This Hill refused to do

Forasmuch therefore as your orator is now ready at any time to pay the balance

of said note after deducting the credits claimed & being remediless save in a court of chancery whose matters of this sort are properly cognizable prays that the said H. L. Hill & Wm E. Mynick may be made parties defendant to this Bill & be required severally to answer the same on oath as fully and particularly as if each of them had been thereto specially interrogated, & your orator further prays your Honor to have all proper accounts taken & that Mynick the present holder of the security be ordered to execute a release and upon the payment of this by your orator or whatever is now due after giving the credits claimed & that such other & general relief may be granted to your orator as is adapted to the nature of his case & agreeable to Equity & good conscience & that proper process may issue against the several defendants hereinbefore named & your orator will ever pray &c

Chas. L. Corbitt
& J.

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v
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Bill & Exhibits

To the Hon. C. W. Hill Judge of the Circuit Court of Southampton County Virginia

The amended & supplemental bill of C. L. Barden your orator, shewith unto the court that on the day of 1887 your orator filed his bill in equity in the circuit court of Southampton Co. Va. against H. L. Hill & Wm E. Mynick, whereby he prayed that a certain bond, then in the possession of Wm E. Mynick & endorsed to him by H. L. Hill & owing by your orator C. L. Barden should be credited with certain debts due by Hill & Barden, which debts were made before the assignment of said bond to Mynick & before Barden had notice of such assignment, & were agreed by Hill with Barden that they should be credited on said bond: After said bill taken for confessed the court at the November term 1887 thereof, entered a decree directing one of its Commissioners to take an account of the amt due by Hill & Barden & which should be credited on said bond, After the entering of said decree & writ, on the day of 188

the said Hill filed his answer in which he denys having transfered said bond D Myrick & in evidence thereof produces said bond as his property; he also denys owing said Barden the debts that he claimes he owes him, & asks the court not to require him to credit said debts or the grades perties thereof on said bond, but admits that he does owe Barden a part of the debts claimed by Barden, but that Barden owes him enough of said bond sufficient to offset said debts or account. Your orator further more shows that before the Commissioners had taken such account as directed by said decree, the parties to said suit by their attys agreed to form an issue out of Chancery & have the decision of all matters of fact concerning the disputed account to a Jury & let them ascertain the balance due, At the May Term 1888 of said court the trial of said issue was postponed at the instance of the plaintiff & the case continued until the November Term 1888 of said court. Your orator further more states that since the May Term 1888 of said court, to wit on the

29th day of August 1888. Yawn orator
after the allegation of Hill in his answer
that said bond had not been transferred
by him to any one & in evidence thereof
produced said bond, as above stated
purchased & bought the following notes,
to wit a negotiable note made by
H.L. Hill in favor of & payable to order
of the Parker Grand Co. dated Jan 2nd
1888 due six months after date, for the
sum of $200.00; Also a negotiable note
made by H.L. Hill in favor of & payable
to the order of the Parker Grand Co dated
Jan 2nd 1888 due sixty days after date,
for the sum of $78.75; Also a negotiable
note made by H.L. Hill in favor of &
payable to the order of the Parker Grand
Co. dated Jan 2nd 1888 due four
months after date, for the sum of
$200.00 all of which notes have been
endorsed by said Parker Grand Co to
Yawn orator & are now in his possession
& herewith shown: Yawn orator further-
more states that all of said notes are
now due & payable & that Yawn orator
has since his purchase of said
notes requested said Hill to take
the same in & credit them on said
bond due by Barnum to Hill, this

the said Hill refund &c &c.

Mary therefore your orator prays that an account may be taken of the amount due by Hill to Barden on said note & said amount credited on said bond along with the other balance ascertained to be due Barden by Hill in the account hereto fore mentioned: that the said Hill may answer all & every matter & things herein charged by way of supplement or amendment & that your orator shall have full & general relief in the premises, such as the nature of his case may require, And your orator will ever pray etc,

C. L. Corbitt
J. C. Parker
S.J.

Barden
vs
Supplemt & Amd Bill &c
Notice &c

This Deed of Trust made this the 10th day of August 1878. between W. J. Harrell the grantor of the first, and A. W. Rives, the Trustee of the second part. Witnesseth: that for and in consideration of five dollars in hand paid to Wm. J. Harrell the grantor by A. W. Rives the Trustee the receipt of which is hereby acknowledged, the said W. J. Harrell do grant and convey unto the said A. W. Rives the Trustee his entire interest in the following real estate, lying and being at and near Boykins Depot Southampton County Virginia viz. lot at Boykins Depot Va. containing one half acre be the same more or less. with all the improvements appurtenances &c on said lot. said lot is bounded on the west by the County road, on the North and East by the lands of W. M. Beaton, S. B. Drewry &c. and on the South by the lands of C. B. Beaton, and also his interest in about fifty acres of lands near Boykins Depot Va. it being the dower land of his mother Mrs. Sallie A Harrell, said land is bounded on the West by the County road, on the South and East by the lands of Henry Kinard deceased and on the North by the lands of William M Beaton. This Deed is however, made in trust to secure a note due Samuel B Drewry of five hundred dollars. bearing even date with this

writing and on demand the 1st day of Janu. 1879

It is further agreed by both parties to the writing that if a sale should become necessary the Trustee shall give twenty days notice in three public places in the County sell for cash, and be allowed five per cent Commissions.

In testimony whereof I have hereunto set my hand and seal this the 10th day of August 1878.

The interlineations were made before the parties signed the writing. W. J. Harrell. (Seal)
A W Rives Truster.

Southampton County To wit:

I. David H Knight a Justice of the peace for the County aforesaid, do certify W. J. Harrell & A. W. Rives whose names are signed to the above instrument of writing bearing date this the 10th day of August 1878. acknowledge the same before me in my said County. And I do further certify that the insertion of three words, "and S. B. Dromy" were made before the signing of the above writing.

Given under my hand this the 10th day of August. 1878.

David H Knight J. P.

Southampton County: In the Clerks Office, August 12. 1878.

This Deed of Trust from William J

Harrell to A. W. Rives Truster for the benefit of C. B. Avery was this day received and together with the certificates thereto annexed committed to record

Teste L. L. Edwards. Clk.

A Copy

Teste B. F. McLemore Clk.

Mr. H. L. Hill — Exhibit B

In acct with C. L. Barlow

1883

January	30	To 1 # Toba		75
		" Moving Riddick Mann	2	50
March	26	" 54 # Offal	2	70
May	"	" Pint Whisky		30
		" 5 Corder wood	4	50
	18	" Cash D Kg		25
		" 5 corder oak wood	10	00
	24	" Gal whisky	3	00
		" At Do by order		50
June	2	" 1/2 Gal whisky	1	50
	9	" At Do		75
	12	" " "		75
		" 1/2 Pt Brandy		20
	13	" Qt whisky		75
	15	" 1 Bot Brandy		35
		" Cash D Jos Holland		99
		" Qt whisky		75
	17	" 1 Pt "		35
	18	" Bot whisky		35
		" Cash	1	75
	19	" Bot whisky		35
	22	" Qt "		75
		" Bot Brandy		35
	28	" Pt whisky		30
		" 1 Drink		10
July	5+6	" Bot whisky 35; Qt do 75; 2 Drks 20	1	20
	7+9	" " Brandy 35; 3 do Beer 25; Bot whisky 35; Drink 10	1	05
	13+14	" " " 35; " " 25; Qt Brandy 80	1	40
	16	" Qt whisky		75
		" Bot wine		35
	17	" " Brandy		35
			42	91

1883		Amt brot over		42 91
July	18	To qt whiskey		75
	24&27	" 2 qts " @ 80		1 60
	28	" Brot brandy 50 / 1 do whiskey 40		90
Aug	2	" qt whiskey 75 / Brot brandy 40		1 15
	4&10	" 3 brot ~~brandy~~ whiskey @ 40		1 20
	13.14&15	" " " " "		1 20
	16&21	" 2 qts. " @ 1.00		2 00
	23&25	" " brot brandy " 35		70
		" 1 qt "		90
	28	" " " 100. Drink 10		1 10
Sept	1	" 2 brot brandy 40. 6 cigars 25		95
	4	" qt " 100. " " 25		1 25
	5&7	" brot whiskey 25. qt do 65		90
	8	" 2 qts do 130. 6 cigars 25		1 55
	10	" 6 Cigars		25
	13	" 12 " 50. brot whiskey 35		85
	15	" brot whiskey 35. 6 cigars 25		60
		" qt wine		5 64/200 90/00
		" cutting out road		
		" " whiskey. 6 cigars 25		1 15
	18&20	" 2 brot " @ 35		40
	21	" qt " 90. cigars 25. qt ayrshire 30		1 45
	26	" " " 90. " 25.		1 15
	27	" 6 cigars 25. 2 brot whiskey 40		95
	28	" qt whiskey 90. Drink 05		95
Oct	2&4	" " " 90. 6 cigars 25		1 15
	6&10	" 2 qts " @ 90		1 80
	9	" brot whiskey 35. 6 cigars 25		60
	11&13	" 2 qts whiskey @ 90		1 80
	16	" 6 cigars 25. qt whiskey 90		1 15
	17&20	" brot whiskey 35 6 cigars 25. qt whiskey 90 drink 05		1 55
	22&27	" 2 qts whiskey 1.80. 6 cigars 25		2 10
	29&31	" " " "		1 80
Nov	1	" 1 " "		90
	4	" 1 Gal "		4 00
				274 86

1883		Amt brot over		274 80
Nov	10	To 1 qt whiskey 80. 4 cigars 25		1 05
	12 & 15	" brot " 35. qt do 80. cigars 25		1 40
	16 & 24	" 5 qts whiskey @ 95		4 75
	26	" 1 qt do 90. Bill to Keg 10		1 00
		" brot brandy 35. 2 cords wood 3.00		3 35
	28	" 1 Cord Pine wood		1 50
	28 & 30	" 2 qts whiskey @ 95		1 90
Dec	5 & 7	" 2 " " " "		1 90
	8	" brot brandy		35
	10 & 24	" 10 qts whiskey @ 95		9 50
	29	" 1 qt do		50
		" 1 qt do		95
	31	" " " 90. brot brandy 35		1 25
				30 & 31
1884				
January	30	To 5 cords oak wood 10.00. 5 do pine 7.50		17 50
		" 2 bu potatoes		1 00
Feb	23	" 2 plugs tobo		36
March	4	" 4 " " 72 Cards 15		87
	5 & 5	" 2 qts whiskey 180. Plug tobo 18		1 98
	11 & 12	" qt whiskey 40. 1 qt do 100		1 40
		" plug tobo		18
	15 & 16	" brot whiskey 40. 3 drinks to Keg 15		5 55
	19	" qt " 100. 2 plugs tobo 36. Qt whiskey 50		1 86
	26	" " " 100. 1 " " 15		1 15
	29	" " " 100. 1 " " 25		1 25
	31	" " " 100		1 00
Apr	2 & 8	" Plug tobo 25. brot whiskey 40. qt do 100		1 65
	5	" drink to Keg 05. qt whiskey 100		1 05
	9 & 11	" 2 qts whiskey @ 100		2 00
		" 3 drinks 15. 8 brot Beer 25		40
	13	" qt whiskey		1 00
	14	" drink to Keg		05
	16	" qt whiskey		1 00
	18	" brot "		45
				341 01

1884		Amt brot over		341 07
April	18	" 2 drinks & Keg		10
	23	" 1½ plug Tobo		35
	28	" brot whiskey		50
May	2	" " Beer for Alex Harris		10
	3 & 10	" 2 plugs Tobo		50
	12	" 3 brot whiskey (120), drk for Keg (05)		1 25
	17	" " " " (10¢), 3 brot Beer (25)		1 31
		" plug Tobo (25), qt whiskey (100)		1 25
	22	" qt whiskey (100), 6 drinks (60)		1 60
	23	" brot Beer (10), qt whiskey (100), drink (10)		1 20
	28 & 30	" 3 brot whiskey @ 40		1 20
	31	" qt whiskey (100), Drk (05), 3 cabbage (25)		1 30
June	3, 6 & 7	" 3 brot whiskey @ 45		1 35
	8, 11 & 13	" qt " (100), 2 brot do (80)		1 80
	14	" Cash by order to R. D. Moore		3 00
		" brot whiskey (40), qt do (100)		1 40
	18, 19 & 20	" 3 " " @ 40		1 20
				360 42
	21	" 1 qt whiskey (100), 1 brot do (40)		1 40
	24	" " "		1 00
	28	" 6 meeting house mat for Elmira		1 50
	30	" Moving Sallie Mynick		1 00
July	2	" brot whiskey (40), 2 drks (20)		60
		" 3 " " (105), 1 qt do (100)		2 05
	8 & 11	" 3 Pts " (125), ½ Anthony Astr (15)		1 40
		" 2 drks (20), 1 brot whiskey (40)		60
	16	" 3 Pts whiskey (90), Cash to Olive Green (35¢)		1 45
	19	" qt whiskey (100)		1 00
	23	" 2 brot "		68
	24	" qt whiskey & wine		1 00
	28	" brot " (40), brot do (40)		80
	30	" qt "		1 00
		Amt carried over		384 91

1884		Amt Cart Forward		384 91
Aug	8	90 1 qt whiskey (10), alla D keg (10)		1 10
	12 & 15	" " " (10) " Gal cider (120)		2 20
	16	" 3 " " (30), drink D keg (05)		3 05
	20	" Cart whiskey (40), cash (75)		1 15
	21, 22 & 23	" 2 " " (80), 25½# ham (3.82)		4 62
			397 03	
	23, 27 & 28	" 2 " " (20), qt brandy (80)		2 80
Sept	4 & 5	" brandy (55), qt do (80)		1 35
	12	" Cart brandy (40), 3 ylr brandy (120)		1 60
	13 & 14	" qt " (80) Cart do (40)		1 20
	18	" 2 Cart brandy @ 40		80
	19 & 29	" 6 qts " " 80		4 80
Oct	1, 2 & 3	" 3 Cart " " 40		1 20
	4	" qt "		80
	7, 8 & 9	" 3 Cart " @ 40		1 20
	10 & 13	" 2 " " "		80
	14	" qt " (80) drink (10)		90
	15	" 2 Cart " @ 40		80
	16 & 17	" 2 " " " 35		70
	18 & 20	" qt " (80) Cart do (40)		1 20
	21 & 23	" 3 bots brandy		1 10
	30 & 31	" qt brandy (80), Cart do (40)		1 20
Nov	1	" " " (80), " " (40)		1 20
			420 08	
	8	" Gal " (250), " B. B. wine (40)		2 90
	8 & 10	" Cart " (40), ordered (105)		1 45
	11 & 14	" 3 " " @ 40		1 20
		" 2 qts brandy @ 80		1 60
	17	" 2 alla (20), Cart brandy (40)		60
	22	" qt brandy		45
	27 & 28	" 3 Cart " @ 37½		1 12
		" Cart "		40
		Amt Carried over		430 79

1884		Amt Last over		430 70
Dec	17	To Lot Brandy 40, 2 Lot Brandy 80		1 20
	5 & 8	" 2 gls " @ 80		1 60
	10 & 12	" 2 Lot " " 40		80
	17	" 5 drinks 50, more to Keg 20		70
	28	" Lot Brandy 35, " " " 15		50
				435 50
1885				
Jan	3 & 4	To 2 gls Brandy @ 80		1 60
	10 & 12	" Lot " 35, gt ale 50		1 15
	14 & 15	" " " 35, " " 80		1 15
	16 & 17	" " " 35, " " 80		1 15
Jan	18	" 2½ Gal Brandy @ 3 00		7 50
	22	" 2 " " "		6 00
July	11 & 24	" 4 " " "		12 00
Aug	11 & 20	" 3 " " "		9 00
Sept	6 & 24	" 4 " "		12 00
Oct	10 & 27	" 4 " " "		12 00
Nov.	11 & 28	" 4 " " "		12 00
Dec.	10 & 20	" 3 " " "		9 00
	24	" 2 " " "		6 00
1886				
January		To 2 cords oak wood @ 175		3 50
		" amt of act. from Oct 22 to Dec. 30		5 25
				$ 534 80
1883		Credit		
Sept	15	By cash rec'd of W. M. Beaton & J. M. Corbitt for road		85 00
1887				449 80
Jan	21	Int on $115.50 road matter from Sept 15th 1883 to date	23 29	
		Int on $189.31 amt 1883 from Jan 1st 1884 to date	34 64	
		Int on $131.19 amt act. for 1884	16 20	
		" " $94.05 " " " 1885	5 95	80 08
		To Balance due C. L. Barden Jan 21/87		$ 529 88

Barden

vs

Hice

This day this cause came on to be
again heard on the papers formerly
read and upon the verdict of the Jury
in the issue out of chancery ordered
at the May Term 1889 of this Court and
was argued by Counsel. Upon consideration
whereof, and the defendant by his
Counsel having agreed in open Court
to withdraw from said verdict the
following items viz: Paid of W. D. Blair
& Co. for $294.20 with interest from Jany 1
1886 and one protested draft on Beaton
& Bone for $20.19. protest fees $1.25 with
interest from Oct 19. 1885" and the balance
due from C. L. Barden to H. L. Hice being
ascertained to be $186.44 with interest
from Nov 7. 1890 the said, the Court
doth decree that unless C. L. Barden
or some one for him shall pay to
said H. L. Hice or his attorney within
ninety days from the 7th day of Nov:
1890 the said sum of $186.44 with interest
as aforesaid, then that Geo Rountree the
trustee named in the deed of trust
from W. J Harrell for benefit of S.
B. Drury, dated 10 day of Aug 1878

and recorded in the Clerks office of Smithampton 12 day of Aug 1878 sell the land charged in said deed according to the terms of said deed- and that he pay over of the proceeds of sale therefrom to said Hill & his attorneys or unto satisfy the said sum decreed to be due him by said Barden in this decree- and the balance he shall pay to the parties respectively entitled thereto-. And said Rives make report his proceedings to Court. And leave is granted H. L. Hill to withdraw the bond of W. J. Harrell for $500 from the papers in this suit, by leaving a copy thereof in the papers of.

H. L. Hill

Decree
Hill
vs
Barden
Decree
Filed Aug 12 1878
Ent

Barker
vs
Hill

Answer of
N. L. Hill

1889. May. 8. Filed

The answer of H. L. Hill, to a supplemental bill filed by L. L. Barden against him in the Circuit Court of Southampton. For answer to said bill your respondent says - that he does not think said bill should be entertained by this Court. It opens up matters not contemplated by the original suit of Barden and that have no connection therewith, because if allowed, it leads to endless litigation - as before the next Term of this Court, respondent might buy up claims against Barden and so the case might proceed interminably. But respondent submits that by agreement of all parties, the matters to be passed upon by the issue made in the original suit of Barden vs Respondent are clearly defined. and beyond that, neither party can be allowed to go. and respondent would specially call your Honors attention to the record in the

original suit. Respondent submits that it is passing strange that L. L Barden, who is offering as respondent is informed and believes to buy his own paper at 25 Cents to the dollar, thereby admitting his own insolvency. Should be able to go in the market and purchase claims against respondent presumably at their face value. If Barden is so flush of money respondent submits it cannot be about or practicable to pay him the Harrell bond in money or to be avoiding the issue and attempting to pay it paper that he has to pay the money for.
Respondent is forced to the conclusion that Barden is not the real owner of the notes he offers as offsets in this suit but he believes and charges that Barden has arranged with the real owners of said paper to pay them what balance he can recover for in this suit.

Respondent denies that he owes the Pacific Guano Co the amount of their notes. There is an unsettled matter between respondent and said Co, that will considerably reduce said amt. and that is a further reason why the said bill should be dismissed.
Respondent further submits that Barden if he does own said notes of Pacific Guano Co, he bought them at a very low figure. and that in no event could he claim them or Notes at a greater amount than he paid for them.
And having answered, he prays hence to be dismissed &c.

A. L. Hill.

W. M. B
J. M. L.

Barden
vs
Thorn
Hill

To be entered
November term 1849

C. M. Hall

Entered 27 2

Barden
vs
Hill

This cause which has regularly matured at rules and which has been set for hearing came on this day to be heard upon the bill of the plaintiff taken for confessed, the defendants failing to appear and plead answer or demur thereto, and was argued by counsel. On consideration whereof the court doth adjudge order and decree that one of the commissioners of this court take an account of the note due by note from C. L. Barden the plaintiff in this cause to H. L. Hill assignee and the said commissioner is directed to enquire and report what contract, if any, was entered into by said parties as to the credits that should be placed upon said note by said Hill, and if the commissioner should determine that any contract was made, then to report what credits should be placed upon the said note by the said Hill. And the commissioner is further directed to report any matter specially stated deemed pertinent by himself or which he may be required by any party interested to so state, and the court doth grant leave to the defendants to file his answer within sixty days.

Barden 4
v. Decree
Heice

~~HE~~

May Term 1889

To be entered—

C Mott

May 8. 1889

Bruce & Gibbes pd.

Barden
v.
Hill

Decree.

This day this cause came on to be heard on the original and the supplemental bill of the complainant, the answer of H. L. Hill filed to the original bill on the 27th day of December 1887, and the answer of H. L. Hill to the supplemental bill filed by leave of the Court, exhibits filed, general replication to said answers and cause argued by counsel. On consideration whereof, the Court doth adjudge, order and decree that an issue be made up & tried at the bar of this Court whether the claim of C. L. Barden against H. L. Hill & whether the claims of H. L. Hill against C. L. Barden are respectively correct or not. And it is ordered that on the trial of the said issue the bills, answers, exhibits, depositions of such witnesses as have been taken and such other evidence may be introduced by either party as may be legal and proper.

Barden

F 333 Depositions

Hill

The Depositions of E. R. Darden and others taken before me B. F. McLemore a Commissioner in Chancery of the Circuit Court for the County of Southampton, State of Virginia at the Office of Parker & Debree. Jerusalem, Va. On the 9th day of April 1888., between the hours of 9. A.m. and 6. P.m. of that day to be read as evidence in behalf of C. L. Barden, in a certain suit in Chancery depending in the Circuit Court of Southampton Co. in which C. L. Barden is plaintiff and N. L. Stith is Defendant.

Present: C. L. Corbitt & J. C. Parker, Attys for Plaintiff -
" Parker & Debree - Attys for Defendant.

The Witness. E. R. Darden, being duly sworn, deposes as follows:

Q: What is your age and do you know the parties to this suit?

A: My age is 38 years. and ~~was~~ know the parties to the suit

Q: On the account of Mr N. L. Stith against C. L. Barden. Jany 1st 1885. the following item appears: Cash to E. R. Darden $20.00

plain & explain what you know about it.

A: I dont recollect any thing about it. if I borrowed it I don't remember it.

Q: What time did you stop clerking for Mr Barden?

A: . at Christmas, 1884.

Cross Examined

Q: Do you recollect, on or about Jany 1. 1885. having got from Mr. Hill $15.00 at one time and $5.00 at an other time

A: I remember having got $20.00 from Mr Hill for Mr Barden. but not in 1885. ~~it was~~ it may have been in 1884 — it was some time while I was clerking for Mr Barden. The parties were ex= changing many frequently.

As further this deponent saith not.

E D Darden

The Witness W. K. Stephenson, being duly sworn, deposes as follows:

Q: What is your age, where do you reside and do you know the parties to this suit?

A: My age 47. reside near Boykins and know the parties to this suit.

Q: Did you subscribe any money towards building the new road from Boykins to "Cook farm". & if so, how much, and

state whether or not you have paid amount & if not Why?

A: I subscribed $5.00 - I never paid it, because I was never asked for it.

And further this deponent sayeth not

W. K. Stephenson

The Witness W. J. Debardeleben, being duly sworn, deposes as follows:

Q: What is your age, Where do you reside - and do you know the parties to this suit?

A: My age is 62 years, resides at Boyleston, and know the parties to this suit.

Q: Did you subscribe any money for opening the new road from Boyleston to Coal Camp - & if so, how much, to whom & when did you pay it?

A: I subscribed $40. and paid same to Mr A. L. Steele - about May 1884. as well as I can remember, in the fall or Spring after the work was let out.

And further this ~~deponent~~ saith not.

Wm J. Debardeleben

Q: If the $2.50 had been demanded of you, as your subscription, would you have paid it?

A: I do not remember having been asked for it, neither do I remember refusing to pay it. I might have paid the amount for the general benefit and convenience of the Public.

And further this deponent saith not.

E. B. Beaton

The Witness Wm M. Beaton being duly sworn deposes as follows:

Q: What is your age, where do you reside & do you know the parties to this suit?

A: My age is 52 years, reside at Boykins & know the parties to the suit.

Q: In plaintiffs' case against defendant filed in these proceedings and marked Exhibit "B" there is an item charging defendant for cutting road, the sum of $200.00 - Do you know anything about the cutting of this road, & if so, state what you know about it?

A: A road leading from Boykins to the "Cook place", was cut by private subscription. Mr Barden was the contractor, for the sum of $250.00 according to my recollection. The road was to be cut and completed for the above

amount. in such manner as the County would receive it, and make it a public road.

Q: Did you subscribed to the building of said road - & if so, how much did you subscribe, and to whom did you pay same?

A: I subscribed $40.- and paid said amount to Mr C.L. Barden.

Q: Under your plan for opening said road, did any one assume individual responsibility for the amount sufficient to defray the Expense of the same?

A: I don't know that any one assumed personal responsibility for the payment of said amount. The subscriptions were by parties who were regarded as being responsible for the amount they promised to pay.

Cross Examined:

Q: Who had the subscription list & who was authorized to collect said subscriptions?

A: According to my recollection Mr A.L. Hill had the list, and was authorized to make the collections.

Q: Before paying Mr Barden, did you consult Mr Hill, as to whether you should pay Mr Barden or not?

A: Mr Barden had a running account with me. and, by Mr Barden's ~~consent~~ direction

I gave him credit for the amount.
I think I told Mr Hill about it.

A: I did not regard Mr Hill responsible for any more than he collected. but expected him to collect all he could, and pay the same to Mr Barden.

Q: On the completion of the road, did you think Mr Barden entitled to the $250.00, and do you think, that in the failure to pay the amount subscribed, Mr Barden should have been the loser?

A: I do not think Mr Barden should have been the loser. he did faithful work.

By Defendants Counsel.

Re. Examined.

Q: Do you think that in the failure of the subscribers to pay the amounts subscribed by them, Mr Hill was under any obligations to pay for them in their default?

A: I did not understand that he was. if he, properly, looked after the subscriptions.

Q: Did Mr Hill obligate himself, in any event, to be responsible?

A: Not to my knowledge.

Cross. Examined. by Plffs Counsel

Q: After a reasonable time had elapsed, do you not think it was the duty of Mr Hill. to have returned the subscription list

to Mr Barden, with a record of the amounts paid?

A: I think he should have done so; but did not understand that he was under any penalty to do so.

And further this deponent sayeth not.

Wm M Beaton

The further taking of this deposition is continued until Friday Morning April 20. 1888.

Friday Morning. April 20. 1888.

Present: Jones & Sobrell, Attys for Deft.

C. L. Corbitt " " Plff.

The witness, being duly sworn deposes as follows:

Q:

Witnesses:

S. H. Hilo - 90.
H. G. White - 90.
R. T. Ridley - 98.
Jno. A. Beaton - 66.
R. D. Moore - 98.
W. M. Beaton 74.
J. M. Corbitt 74.
Mrs. Mollie A. Barden - ~~74~~ 50.
J. H. Williams 50.

The Depositions of Jas. M. Corbitt
and others, taken before me, B. F. McLemore
a Commissioner in Chancery for the Circuit
Court of Southampton County, in the State of
Virginia. Pursuant to Notice hereto
annexed. at the Office of Pruden & Sebrell.
Jerusalem Va. on the 9th day of April
1888. between the hours of 9 A. M. and
6 P. M., to be read as evidence in behalf of
H. L. Hill in a certain suit in Chancery
now pending in the Circuit Court
of Southampton County. in which C. L.
Barden is Plaintiff and H. L. Hill is
Defendant.

Present: C. L. Corbitt. Atty: for Plff
" Pruden & Sebrell. " " Deft.

The Witness: Jas. M. Corbitt being duly
sworn deposes as follows:

1st Q: What is your age, where do you reside, &
do you know the parties to this suit.

A: My age 59 years. reside at Boykins &
know the parties to the suit.

2 Q: In plaintiffs a/c against defendant, files
in these proceedings & marked exhibit "B",
there is an item charging defendant for
cutting road the sum of $200.00, do you
know anything about the cutting of this

road, did so, state what you know about it?

A: The citizens of Boykins and vicinity feeling the necessity of a new road leading from Boykins, across Jarara Creek to the "Cook place". raised a private subscription and contracted with Mr Barden to do the work for the sum of $250.00, I subscribed $50.00 towards the ~~work~~ which amount I paid to Mr Barden.

Q: Did Mr Barden complete the contract within the specified time?

A: ~~He did~~ not. Mr Barden had a severe spell of sickness during the year. and the work was not completed during the year. I did a part of the work for Mr Barden. the winter intervened, and the ~~vacation~~ work was not completed until nearly a year after the expiration of the prescribed time. Mr Barden was not sick during the entire year.

Q: Mr Corbitt, was the building of this road on private subscription entirely, or did any one individual assume the entire responsibility of the same?

A: I do not think any one individual assumed the responsibility. Mr H.L. Hill had the subscription list and was authorized

to collect the amounts subscribed by the friends of the enterprise.

Q: Mr Corbitt, who did the finishing work on the road?

A: I did, but did not receive any compensation. Mr Barden, possibly, may have done some work on the road later than that I did - I do not remember positively

Cross Examined by Plffs Counsel.

Q: Mr Corbitt, when you did this work, did you expect any compensation other than the benefits you expected to derive from the road?

A: No.

Q: When this road was completed ~~did you~~ and received - did you expect Mr Barden to receive the $250.00 -

A: Yes. I expected Mr Barden would receive his pay - agreeable to contract.

Q: Before paying Mr Barden the $50.00 subscribed by you - did you consult Mr Hill about paying the said amount

A: I did - he (Mr Hill) raised no objections to it.

Q: Why did you consult Mr Hill about paying this money to Mr Barden, directly?

A: Because Mr Hill had the subscription list & Mr Barden had an account with me

and I desired to settle it that way. Mr Hill never demanded the amount of My subscription from me.
And further this deponent sayeth not.

-Jas. W. Corbett

The Witness E. B. Beaton, being duly sworn deposeth as follows:

Q: What is your age, where do you reside, and do you know the parties to this suit?

A: My age is 41 years, reside at Boyknin, and know the parties to the suit?

Q: Did you or not make any subscription to the road recently cut from Boyknin across Tarara Creek to the "Cook" farm - & if so, state upon what conditions, if any, your subscription was made, & did you ever pay same & to whom.

A: Somebody asked me for a subscription to the road. And I promised to give $2.50 - that it would be correct that amount to me to haul my Tier - but I found a nearer route to the Rail Road. and hauled that way. I never paid it.

Cross Examined:

Q: Were you ever asked for the $2.50.

A: I dont recollect.

We the jury find

that

H. L. Hill owes C. L Baldwin

1 Open acct Exhibit B 359.80
With Interest from Jan 1st 1886

1 Note payable to Park & Guano Co 78.75
With Interest from March 2" 1888.

1 Note payable to Park & Guano Co 200.00
With Interest from May 2" 1888

1 Note payable to Park & Guano Co 200.00
With Interest from July 2" 1888 ——
$838.55

and that

C. L Baldwin Owes H. L Hill

1 Note payable at Bank by W J Randle 500.00
With Interest from Aug 10" 1878.

1 Note to H. L Hill 122.09
With Interest from Jan 1st 1883

1 Protested Draft on Beaton & Bone 20.19
With Interest from Oct 19th 1885 (Amt of protest fee 1.25)

1 Open Acct Exhibit "C" 119.35
With Interest Jan 1" 1886

1 Acct of W D Blair & Co 294.90
With Interest from Jan 1st 1886 ——
$1057.75

G W Lawrence
Foreman

A copy of this 25th inst

Aug. 10. 1878. W. J. Hannah to W. W. Rives Jr. to secure debt
due to Sam'l B. Dr. mor. of $600.00 - payable Jany. 1. 1879.
Lot at Boykins Va. containing 1/2 Acre more or less. with
all improvements & appurtenances &c. West by Co. road - N. East
~~N. E.~~ by lands of W. M. B. So. E. B. B. & Nor. by STORR -
also about 60 acres near Boykins known as lands
Mrs. Sallie Atherell. bd. by lands of Co. road West, East
& So. by lands late Mr. Knight & North by lands W. M. B.
D. B. # 33. p. 422

Barden
vs
Rives &
Hill
Grant

The answer of H. L. Hill to a bill of complaint exhibited against him and W. E. Myrick in the Circuit Court of Southampton County by C. L. Barden.

This respondent for answer to said bill, says. That it is true as alleged in said bill that sometime in 1878 W. J. Harrell executed his note to S. B. Denny for $500- and secured said note by a deed of trust on a lot in Boykins. as appears from exhibit "A" filed in the papers of this cause. It is also true during the year 1880 the said property was sold and C. L. Barden became the purchaser, and it was agreed between said Barden and respondent ~~that~~ to whom the said bond had been assigned, that the said bond should be held by respondent secured as it was as a part of the consideration, and respondent was to give said Barden further indulgence upon said bond. But respondent denies that there was any agreement between him and the said Barden that he would allow said Barden

to pay off said note in supplies and articles from his store, or cash wood or anything else but the money. Respondent denies that he ever entered into any such bargain as that he would hold the note and not deposit it with any one for any purpose whatever without the free knowledge and consent of said Barden. Such a bargain would have been ridiculous. Respondent denies that he owes said Barden the amount of his account which he has filed. In regard to one item for which he has charged respondent $2.50 for cutting a road. Respondent denies that he owes one cent upon that item. He has paid said Barden what he promises to pay him on that account, viz: $10. Respondent charges that Barden is largely indebted to him outside of the Horace bond, but in the sum of $398. or more more fully appear from his account hereunto filed marked "X" and asked to be read as a part of this

and by bond for $122.09

Answer - Respondent is surprised that nowhere in the bill of the complainant does it appear that there is any indebtedness from Barden to him, except the Harvey Bond. When in truth and in fact, Barden well knows that he does owe respondent largely outside of that bond. and respondent is willing now and has always been willing to allow all just credits on the Harvey note; and if upon a fair settlement of accounts, it shall turn out that respondent is indebted to Barden, he is willing to credit the Harvey note with the amount. Respondent denies that in 1887 or in any other year that Barden came to him to ascertain the amount due upon said note. but he remembers well that sometime during this year (1887) Barden did approach him and hand him an open account and asked him to examine it and see what was the difference between them on accounts. Respondent denies that Barden ever demanded of him that he should release the Harvey

note from W. E. Myricks possession and place any credits upon it.. It is a fact that W. E. Myrick held this note for a while as a collateral for money loaned. but it is also a fact that when this suit was instituted respondent had the said note in his possession and has it in his possession now. And upon this statement of facts, respondent submits there was no ground for this suit and he further submits that he should in no wise be responsible for any costs. And having fully answered, he prays hence to be dismissed with his costs &c..

H. L. Hill

I, B. F. M. Lemon, Comr in Chancery for the Circuit Court of Southampton County - do certify that Henry L. Hill, whose name appears above has this day appeared before me and made oath to correctness of the foregoing answer.

Given under my hand Dec 7th 1887.

B. F. M. Lemon
Comr in Chancery

Costs due by Borden to Hill

Due by Borden to Hill

Bond secured by Deed

to trust to be entitled

First		500	
Int to date		367.50	867.50
Bond		122.09	
Int to date		57.38	179.47
Bills sfc as Borden		198.28	
In dispute			
Click	30.00		
Insurance	62.11		
Guano Cotton	30.00		
Borden Guano	35.00		
		157.11	
admitted		41.17	
Int		9 45	50.62
Judgment of W D Blair Co			
as Borden		294.90	
Int on same		85.52	380.42
			1478.01

Click 30.00
Insurance 62.11
Guano Cot 30.00
Borden Guano 35.00

Newly spring on No. 8 — took notes as appeals & Diff-

J C Perkins
Statement

Accts due by Hill to Borden

Bordens total as on Hill. $29.88

Int to date 121.87

651.751

SW H	10.00	Int dispute	120.	
Sleath	40.00	Less transmitted	30.	
H.L.H	10.00		90.	
	60.00	Int	37	
			127.	127.00
				651.751
				514.75
Note Parks to			78.75	
Int			12.60	91.35
Note			200	
Int			30	230.00
Note			200	
Interest			28	228.00
		Total due by Hill to Borden		$1064.10

2022
200
1.10

80
28
18
35
200
35
18
45
50
60
30
25
216
280
1240
36
25
40
58
100

2619

Barden

5
3
3

Sum

Hill & Myrick

1887. Oct: Rules
Cir: Ct:

Executed Oct. 1st 1887
by delivering to each of the
within named parties
a copy of this Summons

R. L. Moon Deputy for
J. W. Hillman Shff.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON N. L. Hill and Wm E Myrick

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in October next, to answer a bill in chancery exhibited against them in our said Court by C. L. Barden

And this they shall in no wise omit; and have then there this writ.

Witness, ~~J. B. PRINCE~~, B. F. McLemore Clerk of our said Court, this 28 day of Sept 1887, in the 112 year of the Commonwealth.

B. F. McLemore C. C.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON W. J. Deloatch

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1 day of Nov Term, 1890, to testify and the truth to speak on behalf of G. L. Barden

in a certain matter of controversy in our said Court depending and undetermined between G. L. Barden, plaintiff, and H. L. Hill, defendant.

And this he shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 27 day of Oct, 189a, in the 115th year of the Commonwealth.

TESTE:

B. F. McLemore, C. C.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON E. R. Darden

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1 day of Nov Term, 1890, to testify and the truth to speak on behalf of G. L. Barden

in a certain matter of controversy in our said Court depending and undetermined between G. L. Barden, plaintiff, and H. L. Hill, defendant.

And this Lee shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 27 day of Oct, 1890, in the 115th year of the Commonwealth.

TESTE: B. F. McLemore, C. C.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON W. R. Hart

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1 day of Nov Term, 1890, to testify and the truth to speak on behalf of Gp. L. Barden

in a certain matter of controversy in our said Court depending and undetermined between Gp. L. Barden, plaintiff, and H. L. Hill, defendant.

And this he shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 27 day of Oct, 1890, in the 115th year of the Commonwealth.

TESTE:

B. F. McLemore, C. C.

Barden

vs

Spa

Hill

1890. 1 day ctoo Term

Cir Ct.

Executed by delivering a copy of this Spa: to each of the within named Sevilla Cassell W. J. Deloach dead & W. R. Nash & L. R. Dorden who are not residents of My County

Nov 15th 1890

R. D. Moore Dept

for J. W. Williams Shff.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON W. J. Deloatch, W. K. Stephenson, Wm E. Mynick, A. B. Mynick, R. D. Moore, E. A. Darden, W. G. White, J. H. Hill, H. R. Hart, W. M. Beaton, J. M. Corbitt & D. H. Kindred

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1st day of Nov Term, 1890, to testify and the truth to speak on behalf of G. L. Barden

in a certain matter of controversy in our said Court depending and undetermined between G. L. Barden, plaintiff, and H. L. Hill, defendant.

And this they shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 27 day of Oct, 1890, in the 114th year of the Commonwealth.

TESTE:

B. F. McLemore, C. C.

Barden

v. Lewis Spa

Hill

1890. Jany 6.

Cir: Ct.

Executed Jany 6th 1890 by delivering a copy of this Spa, to each of the within named Lewis

R D Woodruff

for J. M. Williams Shff

2

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON W. J. Delaach W K Stephenson Wm E Myrick A R Myrick R D Moore E R Darden W G Whitley J W Nicholson W R Hart H M Beale Jas M Corbell & W Kinsey to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 6th day of January ~~Term~~, 1890, to testify and the truth to speak on behalf of L L Barden in a certain matter of controversy in our said Court depending and undetermined between L L Barden, plaintiff, and H L Nicholson, defendant. And this they shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 27 day of December, 1889, in the 114th year of the Commonwealth.

TESTE:

B. F. McLemore, C. C.

Barden

Spa

Hill

1888. April 20.

Executed
Apl. 17. 1888.
R. D. Moore
Dep: Jno J. Williams
Shff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON R. D. Morris, W. G. White, S. H. Hill, W. R. Hart and W. E. Myrick -

to appear before ~~the Judge~~ B. F. McLemore, Comr of our Circuit Court of Southampton County, at the Courthouse thereof, on the 20 day of April ~~Term~~, 1888, to testify and the truth to speak on behalf of C. L. Barden

in a certain matter of controversy in our said Court depending and undetermined between C. L. Barden, plaintiff, and S. L. Stieb, defendant.

And this ~~they~~ shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, ~~Clerk~~ Comr of our said Court, at the Courthouse, this 13 day of Apl 1888, in the 112 year of the Commonwealth.

TESTE: B. F. McLemore Comr

Barden
vs } Spd
Hill

1889 / Dec Nov Term
Cir. Ct.

Executed Nov 1st 1889.
by delivering a copy of this
Spd. to Each of the within
named parties.

R. D. Moore

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON W. J. Deloatch, O. K. Stephenson, Wm. E. Myrick, A. R. Myrick, R. D. Moore, E. R. Darden, N. J. White, L. K. Hill, N. R. Hart, N. M. Beaton, Jas. M. Corbitt, & D. A. Kindred

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1 day of Nov Term, 1889, to testify and the truth to speak on behalf of G. L. Barden

in a certain matter of controversy in our said Court depending and undetermined between

G. L. Barden, plaintiff, and

H. L. Hill, defendant.

And this they shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 29 day of Oct, 1889, in the 114th year of the Commonwealth.

TESTE:

B. F. McLemore, C. C.

Hill
ads } Spa
Barden

1889 19 Nov.

Cir. Ct.

Executed Nov. 16th
1889 by delivering a
copy of this Spa, to
each of the within
named Sparks

R. D. Moore Sh'ff
for J. H. Williams
Sh'ff

15 X

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON R. D. Mone, Mollie A. Barden, J. H. Williams, A. Knight, J. M. Corbitt, Jno. H. Beaton and N. T. Ridley

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 19th day of November ~~Term~~, 1889, to testify and the truth to speak on behalf of N. L. Hill

in a certain matter of controversy in our said Court depending and undetermined between

C. L. Barden, plaintiff, and

N. L. Hill, defendant.

And this they shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 9 day of November, 18 89, in the 114th year of the Commonwealth.

TESTE: B. F. McLemore, C. C.

Hill

ads } Spa

Barden

1889 / day Nov Term

Cir. Ct.

Executed Nov. 1st 1889.

by delivering a copy of

this Spa. to each of the

within named parties.

R. D. Moore

~~Rastbe~~ /

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON R. D. Mora, Mollie A. Barden, J. N. Williams, A. Knight, J. M. Corbitt, Jno W. Bealon & R. T. Ridley

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1 day of Nov Term, 1889, to testify and the truth to speak on behalf of N. L. Hill

in a certain matter of controversy in our said Court depending and undetermined between

L. L. Barden, plaintiff, and

N. L. Hill, defendant.

And this they shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 29 day of Oct., 1889, in the 114th year of the Commonwealth.

TESTE: B. F. McLemore, C. C.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON E. R. Darden

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1 day of Nov Term, 1888; to testify and the truth to speak on behalf of L. L. Barden in a certain matter of controversy in our said Court depending and undetermined between L. L. Barden, plaintiff, and H. LeHill, defendant. And this he shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 29 day of Oct, 1888, in the 113th year of the Commonwealth.

Alcopy TESTE: B. F. McLemore CC

Barden
v. } Sp. Ca.
Hill

1858 1st day Nov. Term
Cir. Ct.

Executed Nov. 2d 1858
by delivering a copy of
this Sp Ca to each of the
within named parties
except E. R. Barden who
is not a resident of this
State

R. D. Moore Shff
per J. W. Williams Dep.

2

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON W. J. Selvatch, W. K. Stephenson, Wm. E. Myrick, S. L. Myrick, L. D. Moore, E. L. Darden, W. G. White, J. W. Hill, W. R. Hart, Wm. M. Beaton, Jas. M. Corbitt, D. H. Kwiatkowski and B. F. McLemore to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1 day of Nov. Term, 1888, to testify and the truth to speak on behalf of E. L. Darden in a certain matter of controversy in our said Court depending and undetermined between E. L. Darden, plaintiff, and Henry L. Hill, defendant. And this they shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 29 day of October, 1888, in the 113th year of the Commonwealth.

TESTE: B. F. McLemore clk

Hill
ads } Spa
Barden

1890. 1 day Nov Term
Cir. Ct.

Executed Nov. 1st 1890
by delivering a copy of
this Spa to each of the
within named parties
R. D. Mann Deputy
for J. W. Williams Shff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON J. W. Williams R. D. Moore A Knight Jas M Storlitt & Mrs M A Barden

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1 day of Nov Term, 1890, to testify and the truth to speak on behalf of H. L. Hill

in a certain matter of controversy in our said Court depending and undetermined between G. L. Barden, plaintiff, and H. L. Hill, defendant.

And this they shall in no wise omit under the penalty of the law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 29 day of Oct, 1890, in the 115th year of the Commonwealth.

TESTE:

B. F. McLemore, C. C.

Premium

$27.50

Virginia Fire and Marine Insurance Comp'y,

Chartered 1832. No 1015 Main Street, Richmond. Assets, $560,000.

RECEIVED from C. L. Bardin

Twenty Seven 50/100 Dollars, being the Premium on

One Thousand Dollars, insured under Policy

No. 104189, which is hereby continued in force for One Year

to wit: from the First day of January 1st 1886 at noon,

until the First day of January 1887 at noon,

but the same shall not be binding on the Company until this Scrip shall be countersigned by the Agent of the Company at place of issue.

Countersigned at Boykins Va

this 1st day of Jany 1886

W. L. Cowardin President.

H. L. Hill Agent.

Number

11945

Barden

Hill

1888. 1 day May Term

Cir: Ct.

Executed April 28th 1888 by delivering a copy of this Sca. to each of the within named persons except E. R. Barden who is not in the County.

R. D. Moore Dpt.
for J. H. Williams Shff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON W. J. Delovatch, W. K. Stephenson Wm. E. Myrick A. R. Myrick R. D. Mowr E. R. Darden W. G. Whitt S. H. Hicks W. R. Hart Wm. M. Beale Jas. M. Corbitt D. H. Kindred and ~~B. F. McLemore~~

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1st day of May Term, 1888, to testify and the truth to speak on behalf of

L. L. Barden

in a certain matter of controversy in our said Court depending and undetermined between

L. L. Barden, plaintiff, and

H. L. Hicks, defendant.

And this they shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 21 day of April 1888, in the 112 year of the Commonwealth.

TESTE: B. F. McLemore c.c.

Hilt

ads 3 Sha

Barden

1890. Jany 6.

Cir. Ct.

Executed Jan. 3d
1890 by delivering
a copy of this Sha.
to each of the
within named
parties

R. L. Moore Sh.
for J. W. Williams Shff

3

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON R. D. Moore, Mollie A. Barden, J. M. Williams, A. Knight, J. M. Corbitt, Jno. W. Beaton & N. T. Ridley

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 6 day of Jany ~~Term~~, 1890, to testify and the truth to speak on behalf of N. L. Hill

in a certain matter of controversy in our said Court depending and undetermined between W. L. Barden, plaintiff, and N. L. Hill, defendant. And this they shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 27 day of Dec, 1889, in the 114th year of the Commonwealth.

TESTE: B. F. McLemore, C. C.

[redacted]

ads } Spen

Barden.

1888. Apl 20 –

Executed.

Apl 17 – 1888.

R. D. Moore

Dep for J. M. Williams

Sheff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON J. W. William, R. D. Moore, N. T. Ridley, Jno. W. Beadin and Mrs Mollie A. Bardin

to appear before ~~the Judge~~ B. F. McLemore, Comr of our Circuit Court of Southampton County, at the Courthouse thereof, on the 20 day of April ~~Term,~~ 1888, to testify and the truth to speak on behalf of H. L. Hill

in a certain matter of controversy in our said Court depending and undetermined between:

C. L. Bardin, plaintiff, and

H. L. Hill, defendant.

And this they shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Comr ~~Clerk~~ of our said Court, at the Courthouse, this 16 day of April 1888, in the 112 year of the Commonwealth.

TESTE: B. F. McLemore Comr

Hill

ads Spia

Barden

1888. 1 day May Term

Cir: Ct.

Executed April 28th
1888 by delivering a
copy of this Spd's to
each of the within
named parties.

J. W. Williams Shff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Mrs Mollie A. Barden

B. F. McLemore, Comr

to appear before ~~the Judge~~ of our Circuit Court of Southampton County, at the Courthouse thereof, on the 20th day of April ~~Term~~, 1888, to testify and the truth to speak on behalf of

N. L. Hill

in a certain matter of controversy in our said Court depending and undetermined between

L. L. Barden, plaintiff, and

N. L. Hill, defendant.

And this ~~he~~ shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, ~~Clerk~~ Comr of our said Court, at the Courthouse, this 16 day of April 1888, in the 112 year of the Commonwealth.

TESTE: B. F. McLemore Comr

Baiden 128

vs ½ Agreement

Hill

1888. Apl 20.

B. F. M. a.c.

Barden
vs Ag. Agreement.

Hill.

In this cause, by consent of parties it is agreed that the questions of fact, arising out of the accounts of C. L. Barden and H. L. Hill may be settled by a jury at the May Term 1888 (or at any time to which it may be continued) of the Circuit Court of Southampton Witness our hands Apl 20. 1888.

Price & Scheer p.d.

C. L. Corbitt }
J. C. Parker } p. q.

Barden

v. Summons

Hill &c

1878. 1st Oct. Rules Cir. Ct.

Executed Sept. 24th 1878
by delivering a copy of
this Summons to each of the
within named parties

R. D. Moore Deputy
for J. B. Williams
Shff

24

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON H. L. Holt and W. E. Myrick

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in October next, to answer a supplemental bill in chancery exhibited against them in our said Court by L. L. Barden

And this they shall in no wise omit; and have then there this writ.

Witness, ~~J. B. Prince~~ B. F. McLemore, Clerk of our said Court, this 24 day of September 1888, in the 113 year of the Commonwealth.

Tests. B. F. McLemore C. C.

Debts due by H. L. Hill
to C. S. Bancroft -

Acct due - $529.88
Deduct for Rent. 100.00
$429.88
28.25
Packs note.
Int from Mar 2. 88 100.00
Packs note
Int from May 2. 88 100.00
Packs note
Int from July 2. 88.

$508.63

38.50

35-980
7825-
4 cm
838.58-

1880
1878
1

Road

Beaton Corbitt 50
Hillspaid 50
Borden 20
150-

$250
150
100

Debts due by C. L. Borden
to
H. L. Hale -

Bond due Jany 1. 1878.		$ 500
Int from " " "		
Open acct.		$ 198.28
Int from		
W. D. Blair acct.		$ 294.90
Int from Jany 1. 1886. -		
Bond due		$ 122.09
Int from		
Parks Evans note	$ 88.45 -	
" " "	85.96	
Dft. on B. & Bowne	20.00	
Protest. & Int.		
	$ 1369.37	
	1310.39	

4

20	120
1, 20	120
20	60
20	70
20	120
20	60
20	120
20	130
20	70
20	70
20	70
20	60
20	120
20	80
2.8 0	12,40
	280
	15.20

Barden
vs { Spa
Hill

1889. 19 day Nov
Circ. Ct.

Executed Nov. 16th
1889 by delivering a
copy of this Spa; to
each of the within
named parties

R. D. Mann Deft
for J. H. Wiseman
Deft

15

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON W. J. Deloatch, W. K. Stephenson, H. E. Mysick, A. R. Mysick, R. D. Moore, E. R. Darden, W. G. Whitley, S. N. Hill, W. R. Hart, W. M. Beaton, Jas. M. Corbitt and Wm. H. Hindred to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 19 day of Nov Term, 1889, to testify and the truth to speak on behalf of G. L. Barden in a certain matter of controversy in our said Court depending and undetermined between G. L. Barden, plaintiff, and H. L. Hill, defendant. And this they shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 11 day of Nov, 1889, in the 114th year of the Commonwealth.

TESTE:

B. F. McLemore, C. C.

12
12
5
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12
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12
13
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7
5
12
8

12 4
6

14.80

23.60

Hill
ads. 3 Sha
3
Barden
1888. 1st day Nov. Jr. Cir. Ct.

Executed Nov. 2nd 1888 by delivering a copy of this Sha to each of the within named parties

R. D. Mann Dep.
for J. H. Williams Shff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Alex Knight Jr. Mr. M. Beale. J. M. Corbitt. N. J. Rider. Jno. W. Beale. J. W. Williams R. A. Moore & Mollie A. Barden.

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse thereof, on the 1st day of Nov. Term, 1888, to testify and the truth to speak on behalf of H. L. Hill

in a certain matter of controversy in our said Court depending and undetermined between

L. L. Barden, plaintiff, and

Henry L. Hill, defendant.

And this he shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 24 day of Octo, 1888, in the 113th year of the Commonwealth.

TESTE: B. F. McLemore C.C.

Spa 20. Cofp 20. Spa 20 Cofp 20 - rect 18. atty 10. doc 18
rel° 35. Rules 100. Do 1.00. Return 35 rect 18. bill 15.
Rep bill 15. Ex 15 Cofp Ex 50 filing answer 30
rep 30 filing agt 15. Ex 15 Cofp Ex 25.
3 decrees & Copies 2.16. Spas 2.80. Cofp 12.40
Judgmt 36. Docket judgmt 25. Law Costs 40
Fi fa 58. Filing away papers 25. Swearing
Jury 75. 27 writ certfs @ 30. 8.10
Latching Deh 5.00 Clerk $34.29
Coun. 5.00
Shff 23.60
Law fs. 16.50
Witnesses: M. A. Barden 1.50
J. M. Williams 1.50
R. D. Morris 3.94
Jno W Beaton 1.24
91.07

Shff 23.60.

Additional Costs June
19.00. Jany, 29th. 9 Continuances on docket
for 2.25. Levying Costs 40, future Costs 2.50 = 5.15 Pd May
$96.72

Exhibit C

Mr L. L Barnes
In a/c with A.L. Hill

1883							
March	30	To one check			30	00	
1884							
May	1	" Commissioners fee		225			
"	"	" one bill Laths		360	+		
"	"	" Bal. Premium on store house		711	+	12	96
1885							
Jan	1	" Premium on store house		2750	+		
"	"	" Difference in Dft		168	+		
"	"	" one bill Brick		800	+		
"	"	" Cash to E R Barnes		2000	+		
"	"	" one bill Laths		600		63	11
1886							
Jan	1	" Difference in guano cotton		3000	+		
"	"	" Insurance on store house		2750	+	57	50
1887							
Jan	1	" one Ton guano				35	00
"	"	" Interest on the above to Jan 1 of 87				20	95
						$219	52
1883		Cr					
Jan	6	By [illegible]		10			
"	30	" "		160			
"	"	" " from R.D. Moore		300			
1885							
Dec	22	" Difference in guano		222			
1887							
Jan	1	" Interest on the above to Jan 1 of 1887		442			
						$21	24
		Bal due A.L. Hill				$198	28

$122.00

On demand with interest from date, I owe and promise to pay to H. L. Hill or order, the sum of one hundred and twenty two dollars and nine cents, and I here by waive the benifit of my homestead exemption as to this debt, Obligation or contract; as witness My hand and seal this the First 1st of January 1883

C L Borden

H/116

$200.00

Boykins Va. Jan" 2" 1888

Four Months after date for value received I promise to pay to PARKS & CO., or order Two hundred Dollars at the Banking House of Vaughan & Co Franklin Va I hereby waive and renounce my right to the benefit of any exemption or homestead under any laws as to this debt-

Due May 2/5" 188

No

H. L. Hill

COLLECTION.

Advise Payment Separately.

The Parks Guano Co

H/115

$78.75

Boykins Va Jan" 2" 1888

Sixty days after date for value received I promise to pay to PARKS & CO., or order Seventy Eight 75/100 Dollars at Banking House of Vaughan & Co, Franklin Va I hereby waive and renounce my right to the benefit of any exemption or homestead under any laws as to this debt-

Due Mar 2/5 1888

No

H. L. Hill

COLLECTION.

Advise Payment Separately.

The Parks Guano Co

H/114

$200.00

Boykins Va Jan" 2" 1888

Six Months after date for value received I promise to pay to PARKS & CO., or order Two hundred Dollars at the Banking House of Vaughan & Co Franklin Va I hereby waive and renounce my right to the benefit of any exemption or homestead under any laws as to this debt-

Due July 2/5 188

No

H. L. Hill

$88.45

Boykins Va May 1 1886.

Six months after date for value received I promise to pay to PARKS & CO., or order Eighty Eight- 45/100 Dollars at Baltimore Md and I hereby waive and renounce right to the benefit of any exemption or homestead under any laws.

Due Nov 1st 1886

No

E. C. Partridge Seal

Branchville Va

$85.96/100

Brunswick Va.

May 1 at 1886.

Six months after date, for Value received, I promise to pay. To Parks Tho or order Eighty five 96/100 dollars, at

and I hereby waive and renounce my right to the benefit of any Exemption or homestead, under any Laws as to this debt contract or obligation

J.H. Johnson Seal

C. L. Barden Pltff

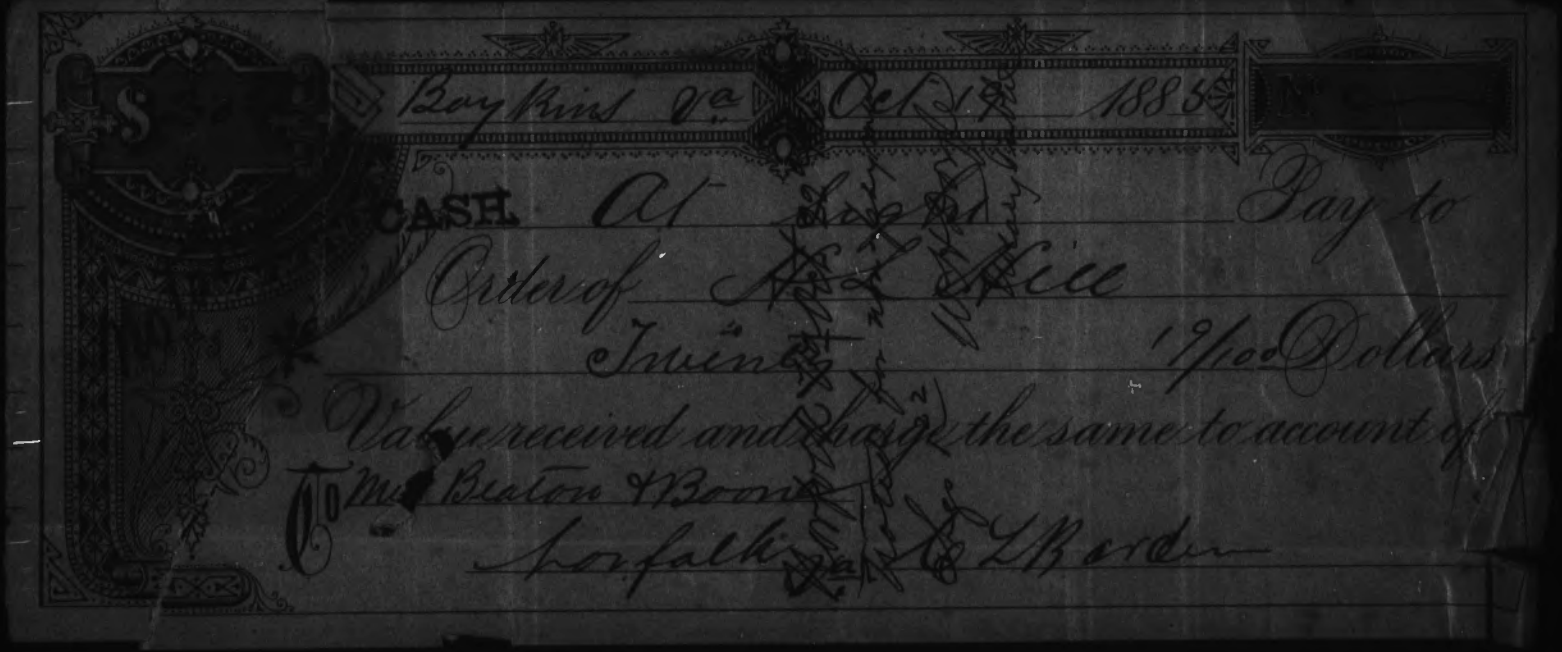
v

H. L. Hill & W. E. Myrick Defts

1887 Sept 28. Sum iss. to Oct. Rules

" Oct. Rules. Process ret'd Executed - Bill & Ex. filed - Decree Nisi v Defts

" Nov " . Bill taken for confessed as to Defts & Cause set for hearing



Bank of Portsmouth.

Portsmouth, Va., Oct 24th 1886

H. L. Hill Esq

Buckingham Va

Dear Sir: We return herewith, not honored,

Draft on Bedlin & Boon Contractors

Charge your a/c $21.45. (Draft 20.19 Post 1.26)

Reason endorsed. Received in yours

Yours respectfully,

E. Ober. Hatton, Cashier.

Sir Please make Bedlin pay your Post Fees —

Ridley

$500 00 August 10th 1878

On demand the 1st day of January 1879, I promise to pay to Samuel B. Drury or order the just and full sum of Five Hundred Dollars for value received waiving my Homestead exemptions as to this debt.

Witness my hand and seal this the 10th day of August 1878.

W. J. Harrell [Seal]

A copy Test B. F. McLemore C.C.
By P. M. Howard D.C.

For value received I assign this bond with the trust deed securing the same to H L. Hill without recourse.

Sept 26 - 1878 S. B. Drury -

A Copy Teste B D McLaurin D C

By P. M. Faucett D C.

H L. Hill